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Under the common law rule any interested person was disqualified as a witness in any legal proceeding. See *Sears v. Dillingham*, 12 Mass. 357. Thus one who took under the will could not be a competent attesting witness. *Trotters v. Winchester*, 1 Mo. 292. And the statutes which make interested parties competent witnesses are not applied to attesting witnesses, either because of express limitation in the statute, or under the interpretation of the courts. *Warren v. Baxter*, 48 Me. 193; *Elliot v. Brent*, 17 D. C. 98. It has been held that when an attesting witness is incompetent, as being a beneficiary, the whole will is invalidated. *Holdfast I. Anstey v. Dowsing*, 2 Str. 1253. But by an English statute the gift to the witness was made void and the witness competent. 25 GEO. II. c. 6. This statute has been followed generally in this country. But by the weight of authority an executor is not a person beneficially interested under the will, and is therefore a competent attesting witness and may retain his executorship. *Stewart v. Harriman*, 56 N. H. 25. The opposite holding in the principal case seems unjustifiable.

BOOK REVIEWS.

HISTORY OF THE HARVARD LAW SCHOOL AND OF EARLY LEGAL CONDITIONS IN AMERICA. By Charles Warren. In three volumes. New York: Lewis Publishing Co. 1908. pp. xiii, 543; 560; 397. 8vo. By subscription. \$25.00.

Although this work deals principally with the Harvard Law School, it has a somewhat larger scope, as the full title indicates. The first volume begins with about two hundred and fifty pages on the legal profession in England and America from the settlement of New England to the foundation of the Harvard Law School; and this discussion includes some account of the beginnings of the profession throughout all the original states, with a description of some early law books and of the mode of education for the bar. There follows an account of the founding and early years of the Harvard Law School, with biographical details as to the first professors and the founders of their professorships; and in this part of the volume there are two chapters on topics of a more general nature—"The Bar and the Law, 1815-1830," and "The Charles River Bridge Case." The second volume brings the history of the Harvard Law School to the present day, and contains also chapters on the development of law throughout the United States, entitled "The Era of Railroad and Corporation Law," "The Federal Bar and Law, 1830-1860," and "New Law, 1830-1860." The third volume gives a list of the students of the Harvard Law School from the beginning, with biographical details as to many. Each volume contains illustrations,—principally Harvard Law School buildings, deceased instructors, and class groups.

It would seem that most persons who have examined these volumes have restricted themselves to pointing out defects. The chief criticisms have been that the price is unreasonable; that the typographical errors—especially in the list of students, with which, unfortunately the author had nothing to do—are too numerous; that the illustrations are not well executed; and that there has been an inclusion of too much matter foreign to the history of the Harvard Law School.

Although those criticisms are just and weighty, they should not be permitted to prevent the recognition of features deserving praise. The chapters on the general state of the law, covering about four hundred pages of the first two volumes, may not be very appropriate in a history of the Harvard Law School; but they contain much interesting matter not easily accessible elsewhere, and with some revision and verification they might serve as a readable and useful historical sketch of the history of the legal profession in the United States. The author's explanation of the inclusion of this material is that the Harvard

Law School grew out of old professional conditions in England and the colonies, and that similar relations between the Law School and the profession exist still. That is true; but the author's introductory chapter of half a dozen pages contains all that is necessary in that direction, and the four hundred pages in question are surplusage, not receiving in their present place the attention to which they are well entitled, holding back the reader who wishes to know something about the Harvard Law School, and even obscuring the merits of the labor which the author has put upon his principal subject. In the seven hundred pages devoted — still with some digressions — to the history of the Harvard Law School, the author shows conclusively that he has made diligent search in the records of the University and in out-of-the-way magazines and pamphlets, and that he has also found some manuscripts hitherto unpublished. He gives many extracts from these sources, and he modestly restricts his own words, as far as practicable, to rather formal statements as to the number of students, the changes in courses and in professorships, and the like. When so many details are to be given, occasional mistakes are inevitable. One extraordinary mistake is the author's statement (vol. I. p. 340) that the first graduating class, that of 1820, consisted of one Dartmouth graduate and five Yale graduates; for the Harvard University Quinquennial, the Harvard Law School Quinquennial, and the third volume of this work concur in showing that the class consisted of one from Dartmouth, one from Yale, and four from Harvard. Yet that error is of no consequence, of course, save as showing the necessity of verifying the statements of even so laborious a writer as the author has shown himself to be.

Notwithstanding the objections justly made to this work as it stands, — and it should really be borne in mind that similar objections seem to be inevitable in the case of any unofficial subscription book, and that a reasonable man finds between the lines of a subscription blank the motto *caveat emptor*, — it should be recognized that the responsibility for the objectionable features rests principally upon the publisher, and that by the rather mechanical processes of omitting the list of students and the redundant general matter, correcting the misprints, and furnishing better illustrations there could be produced a volume which a Harvard Law School man would be glad to place upon his shelves. E. W.

A TREATISE ON THE MODERN LAW OF CORPORATIONS. By Arthur W. Machen, Jr. In two volumes. Boston: Little, Brown and Company. 1908. pp. ccxxv, 816; iv, 817-1798. 8vo.

Almost twenty-five years have elapsed since the second edition of Morawetz's celebrated work on the law of corporations was published. That during this period no branch of the law has been more in the making than the law of corporations goes without saying. Much that was then fluid has now become crystallized; while, still more important, the enormous stress of industrial organization and expansion has called for new principles, and, more frequently, for the application of old rules to new situations. A work that should adequately treat this modern law of corporations has been long overdue. At last the task has been splendidly accomplished. After a most painstaking examination of Mr. Machen's book — for which the reviewer was richly rewarded — we have no hesitation in asserting, at the very outset, that the present treatise is easily the best work extant on the subject. In our opinion it is the worthy successor of Morawetz.

Here at last is a book that is no mere graphophone of digests. The great mass of decisions that have poured from the courts is here passed through the sieve of legal principles, discriminatingly classified and illuminatingly considered. As a result, a profession groaning under the weight of five-deckers and four-deckers of monstrous size will find refreshing comfort in these two moderate-sized volumes. Many causes contribute to this miracle of compression. Primarily, we should say, it is due to Mr. Machen's conscientious concep-